

REMARKS

This Response is submitted in reply to the Office Action dated March 17, 2008. The specification has been amended. An additional drawing sheet is submitted. Claims 5, 7, 13, and 14 have been amended for clarification purposes. Claims 19, 20, and 26 to 32 have been withdrawn. Claims 1 to 18, 21 to 25, and 33 to 35 are currently pending. No new matter has been added by such amendments, withdrawals, or additional drawing sheet. A Terminal Disclaimer is submitted herewith. Please charge deposit account number 02-1818 for any fees associated with this Response.

The Office Action objected to the drawings under 37 CFR 1.83(a) as not showing every feature of the claims. Specifically, the Office Action states that the plurality of indicators (claim 8) must be shown or the feature(s) canceled from the claim(s). Applicant respectfully submits that the additional drawing sheet containing Fig. 3A illustrates a plurality of indicators as in claim 8. Moreover, Applicant submits that no new matter is added by the plurality of indicators illustrated in Fig. 3A. Paragraph 53, as filed, discloses a display device 100 includ[ing] a plurality of fisherman 108, each having a fishing line 114 with an indicator 116. Since the plurality of indicators element of claim 8 is supported by the specification as filed, Applicant respectfully submits that the additional drawing sheet including Fig. 3A and the amendments to the specification overcome the Office Action's objection to the drawing.

The Office Action rejected claims 7, 8, 13, and 14 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 7, 13, and 14 have been amended to overcome these rejections with respect to claims 7, 13, and 14. Fig. 3A has been added and the specification has been amended to overcome this rejection with respect to claim 8. Applicant respectfully submits that claims 7, 8, 13, and 14 are in condition for allowance.

The Office Action rejected claims 1 to 18, 21 to 25, and 33 to 35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,712,694 to Nordman et al. (*Nordman*) in view of U.S. Patent No. 5,152,529 to Okada (*Okada*).

Applicant respectfully submits that this rejection is improper because *Nordman* is not prior art to Applicant's application. Specifically, Applicant's application was filed on September 9, 2003. Each inventor of Applicant's application executed an Assignment of Assignor's Interest between October 15, 2003 and October 29, 2003. The Assignments were recorded on January 20, 2004 at reel/frame number 014897/0303. The Assignment assigned each inventor's rights in the application to IGT, Inc. *Nordman* was filed on September 12, 2002. The sole inventor of *Nordman* executed an Assignment of Assignor's Interest on September 11, 2002. The Assignment was recorded on September 12, 2002 at reel/frame number 013290/0881.

Applicant submits that *Nordman* has a 102(e) prior art date of September 12, 2002. Applicant submits that *Nordman* has a 102(a)/102(b) prior art date of March 18, 2004 corresponding to the date *Nordman* first published. Since the 102(a)/(b) prior art date is after the filing date of Applicant's application, *Nordman* could only be qualified as prior art under 102(e). According to 35 U.S.C. §103(c)(1), "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." Because Applicant's application was assigned to the assignee of *Nordman*, and because *Nordman* only qualifies as prior art under 102(e), Applicant respectfully submits that *Nordman* is disqualified as a prior art reference for the Office Action's rejections under 35 U.S.C. §103(a).

In light of the disqualification of *Nordman*, and in light of the amendments made above, applicant submits that claims 1 to 18, 21 to 25, and 33 to 35 are in condition for allowance.

The Office Action rejected Claims 1 to 6, 7 to 12, 14 to 18, 21, 22, and 25 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 to 5 of *Nordman* in view of *Okada*. For purposes of advancing the prosecution of this application, Applicant elects to overcome such rejection through the enclosed Terminal Disclaimer. Such election shall not be deemed an admission as to the propriety or accuracy of the Office Action's conclusions or rejections. Applicant thus submits that claims 1 to 6, 7 to 12, 14 to 18, 21, 22, and 25 are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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